

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

GERSAN BERRIOS and
ADDERLY DE JESUS-ALVAREZ,

Case No. 23-mj-6213-AOV

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/14/2023 in the county of Broward County in the
Southern District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. § 111(a)(1)

Offense Description
Forcibly Assaulting a Federal Officer.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Attested to by the applicant in accordance with
the requirements of Fed. R. Crim. P. 4.1 by:
~~TELEPHONE~~ ~~XXXXXX~~ FACETIME VIDEO

Date: May 11, 2023

City and state: Fort Lauderdale, FL

Complainant's signature

D/O Rolando J. Caridad, ICE

Printed name and title

Judge's signature

HON. ALICIA O. VALLE

Printed name and title

AFFIDAVIT

I, Rolando Caridad, being duly sworn, state the following:

1. I am a Deportation Officer with the United States Immigration and Customs Enforcement (ICE) and have been so employed for approximately fifteen (15) years. I am responsible for conducting investigations of immigration law and related federal criminal statutes as contained in the United States Codes.

2. The statements contained in this affidavit are based upon my own personal knowledge and information provided to me by other law enforcement officers, federal contract detention officers, as well as my review of records, documents, and other physical items obtained during this investigation. I have not included in this affidavit every fact and circumstance known to me, but only the facts and circumstances to establish probable cause in support of a criminal complaint.

3. Based on the facts set forth in this Affidavit, there is probable cause to believe that, on or about April 14, 2023, in Broward County, in the Southern District of Florida, defendant Gersan BERRIOS, ("BERRIOS") and defendant Adderly DE JESUS-ALVAREZ, ("DE JESUS") did forcibly assault, resist, oppose, impede, intimidate, and interfere with federal contract detention officers (GEO Officers) K.C. and A.R. and K.C. who are designated in Title 18, United States Code, Section 1114. Both GEO Officer K.C. and GEO Officer A.R. are federal contract detention officers who were assisting an officer or employee of the United States Government, that is, the Field Office Director for the ICE/ERO Miami Field Office of the United States Department of Homeland Security, while that officer or employee was in the performance of his official duties, which include the housing, detention, and management of immigration detainees at the Broward Transitional Center (BTC), in violation of Title 18, United States Code, Section 111(a)(1).

PROBABLE CAUSE

4. On April 14, 2023, at approximately 2000 hours, federal contract detention officers (GEO Officers) at the Broward Transitional Center (BTC), an Immigration and Customs Enforcement (ICE) detention facility located in Pompano Beach, Florida responded to a disturbance between detainees at the BTC recreation yard. As GEO Officers approached the detainees involved in the dispute and

attempted to restrain the detainees involved; other detainees surrounded the detainees preventing the GEO Officers from restraining the detainees involved in the dispute. Several detainees then participated in assaulting GEO officers.

BERRIOS

5. At that time, BERRIOS, a citizen and national of Nicaragua was an ICE detainee who was in custody at BTC. As GEO Officers attempted to restrain another detainee, BERRIOS interfered with GEO Officer K.C. by forcefully pushing, charging, and biting the hand ring finger of GEO Officer K.C. causing significant injury which required medical attention.

6. GEO Officers, supervisors, and ICE officials reviewed video from surveillance cameras that captured the events of the incident. They identified and observed BERRIOS in the video pushing and charging GEO Officer K.C. Stills from a surveillance video, Exhibits 1 & 2 below, captured BERRIOS pushing and charging GEO Officer K.C.

Exhibit 1

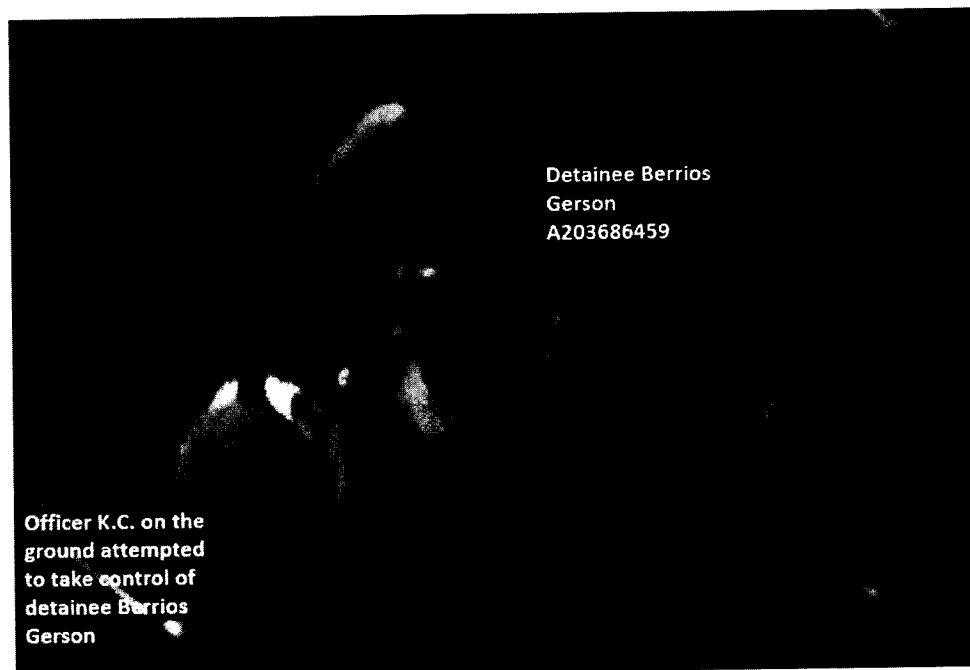
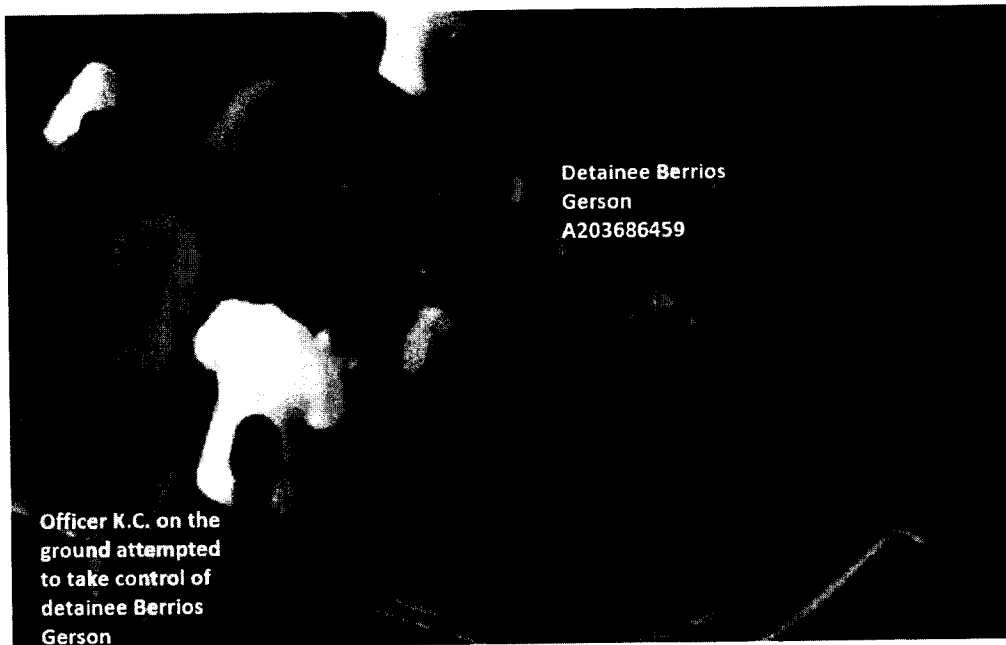


Exhibit 2



DE JESUS-ALVAREZ

7. At that time, DE JESUS, a citizen and national of Dominican Republic was an ICE detainee who was in custody at BTC. As GEO Officers attempted to restrain another detainee, DE JESUS-ALVAREZ interfered with GEO Officer A.R. by forcefully pulling GEO Officer A.R., grabbing the officer by both arms, punching, and taking GEO Officer A.R to the ground.

8. GEO Officers, supervisors, and ICE officials reviewed video from surveillance cameras that captured the events of the incident. They identified and observed DE JESUS-ALVAREZ in the video punch and throw GEO Officer A.R. to the ground. Stills from a surveillance video, Exhibit 3-9 below, captured DE JESUS-ALVAREZ punching, pushing, and pulling to the ground GEO Officer A.R.

Exhibit 3

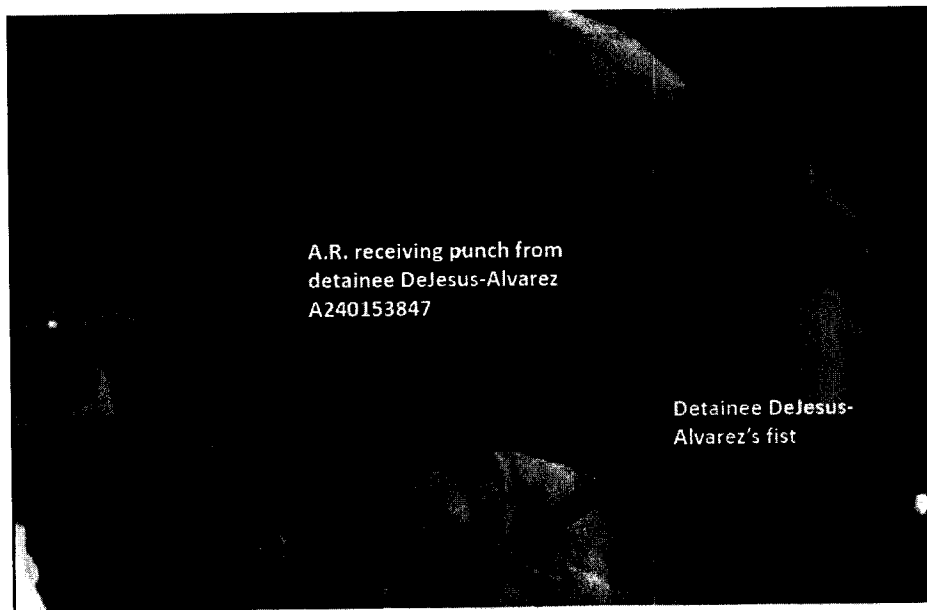


Exhibit4

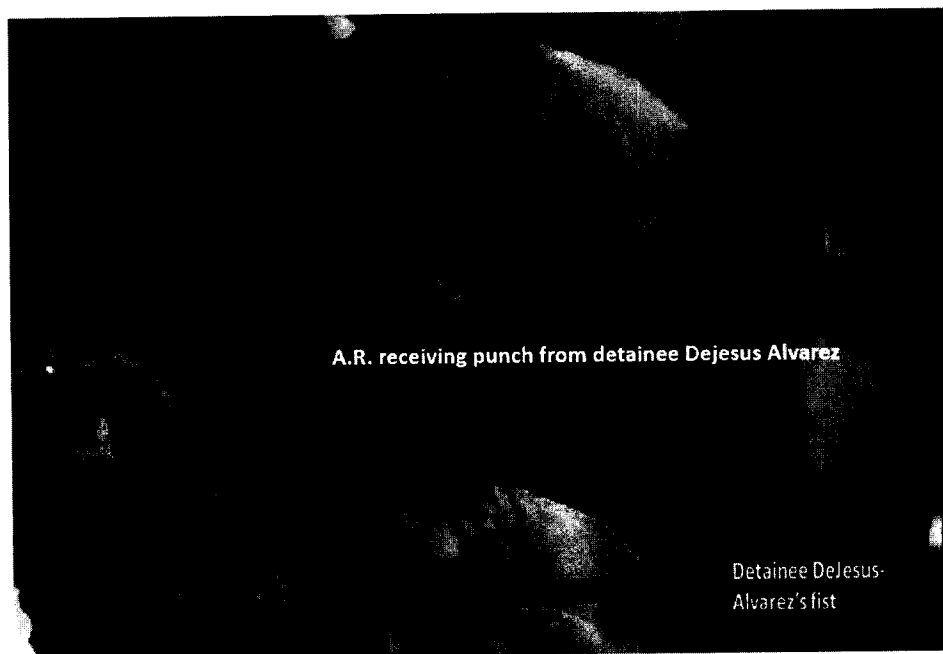


Exhibit 5

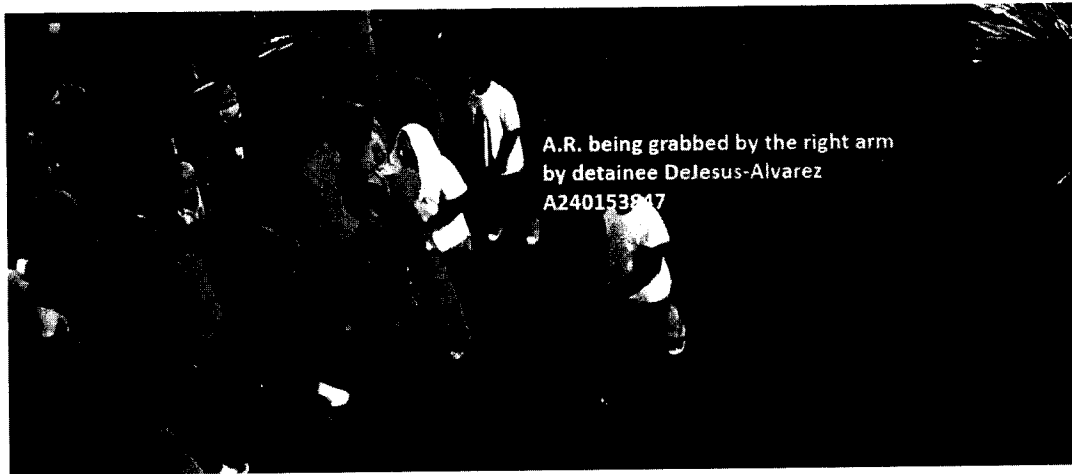


Exhibit 6

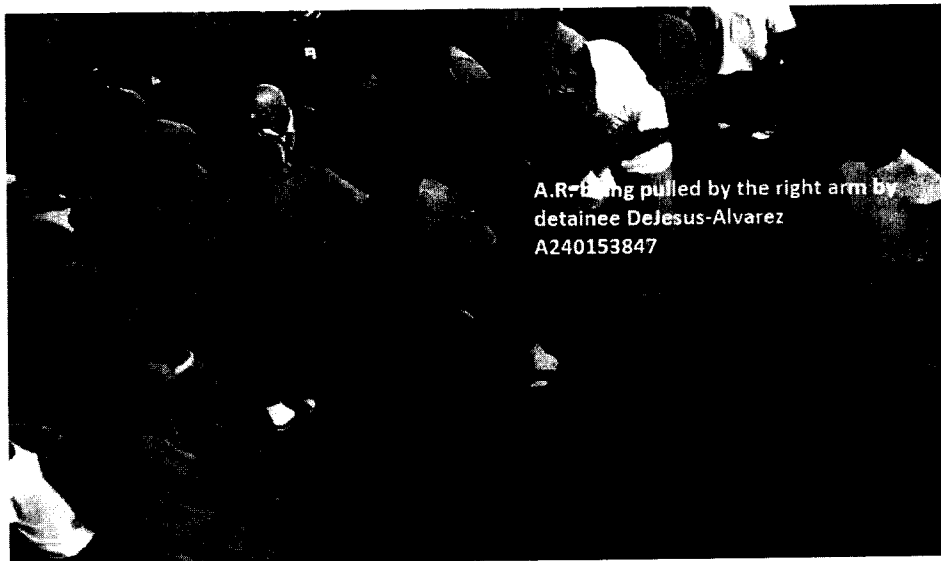


Exhibit 7

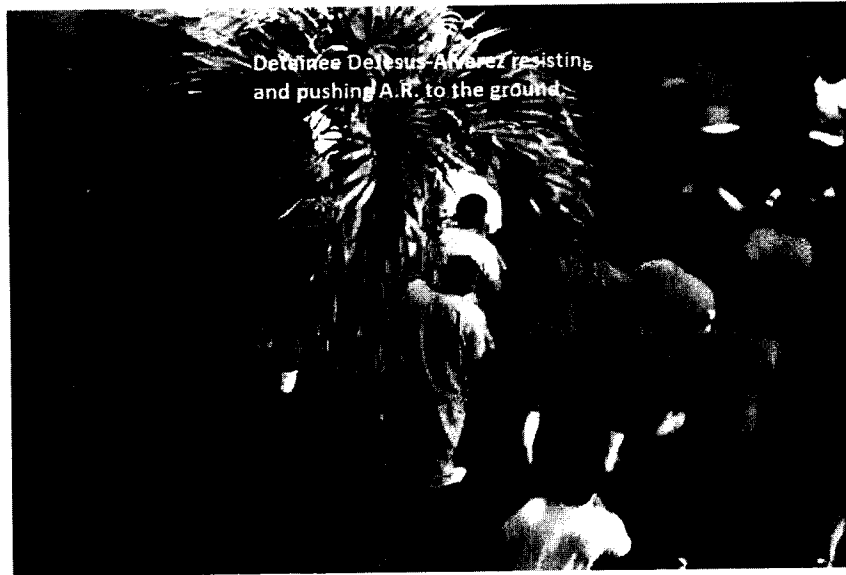


Exhibit 8



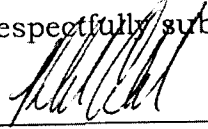
EXHIBIT 9



9. WHEREFORE, based upon the foregoing, your Affiant submits that there is probable cause to believe that on or about on April 14, 2023, in Broward County, Florida, in the Southern District of Florida, BERRIOS and DE JESUS-ALVAREZ, did forcibly assault, resist, oppose, impede, intimidate, and interfere with a Geo officer designated in Title 18, United States Code, Section 1114 who were assisting an officer or employee of the United States and of an agency in a branch of the United States Government, that is, the Field Office Director for the ICE/ERO Miami Field Office of the United States of Homeland Security, while that officer or employee was in the performance of his official duties, which include the housing, detention, and

management of immigration detainees at the Broward Transitional Center, in violation of Title 18, United States Code, Section 111(a)(1).

Respectfully submitted,



Rolando J. Caridad,
Deportation Officer
Immigration and Customs Enforcement

Attested to by the applicant in accordance with
the requirements of Fed. R. Crim. P. 4.1 by:
FaceTime

this 11th day of May, 2023.



ALICIA O. VALLE
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-mj-6213-AOV

IN RE SEALED SEARCH WARRANT

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: s/ Joseph A. Cooley
JOSEPH A. COOLEY
Assistant United States Attorney
Florida Bar No. 966460
500 East Broward Boulevard, 7th Floor
Fort Lauderdale, Florida 33394
Tel: 786-761-3179
Fax: 954-356-7230
Email: joseph.cooley2@usdoj.gov